

### **REMARKS**

In response to the Office Action mailed November 27, 2007, Applicant respectfully requests reconsideration. Claims 1-5, 8-19 and 21-44 were previously pending in this application. By this amendment, Applicant is canceling claims 43 without prejudice or disclaimer. Claims 1, 2, 4, 13, 15, 26, 28 and 39 have been amended. As a result, claims 1-5, 8-19, 21-42, and 44 are pending for examination, with claims 1, 15 and 28 being independent claims. No new matter has been added.

#### **Telephone Conference with the Examiner**

Applicants' representative appreciates the courtesies extended by Examiner Dunn in granting and conducting a telephone interview on February 5, 2008. Applicants were represented at the interview by Ed Walsh and Technology Specialist Zachary Thomas. During the telephone interview, Applicants' representative presented to the Examiner a general overview of Applicants' invention as recited in the claims. The Michaelis reference was also discussed.

The remarks and amendments contained herein may serve as a further summary of the interview.

#### **Rejections Under 35 U.S.C. §102**

Claims 1-2,4-5, 8, 12, 15-17, 19, 21, 25, 26, 28-32, 34, 38-39, and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaelis et al., U.S. Patent No. 7,065,367. Applicants respectfully traverse the rejection.

#### **Claims 1, 2-5, 8-14, and 41-42**

Claim 1 is directed to a computing system supporting network selection based on network information. The claim has been amended to further define the scope of Applicants' contribution.

The computing system of claim 1 comprises "a rules data store for maintaining network selection criteria acquired from a plurality of sources."

Michaelis fails to satisfy all of the limitations recited by claim 1. For example, Michaelis fails to disclose or suggest "network selection criteria acquired from a plurality of sources."

The Office Action contends that Michaelis satisfies this limitation of claim 1 via a passage at column 4, line 14. The cited passage is directed to arranging interface selection rules in the form of rule classes. The manner in which interface selection rules are arranged does not teach or suggest that network selection criteria are acquired from a plurality of sources. Accordingly, claim 1 patentably distinguishes over Michaelis, and the rejection of claim 1 under 35 U.S.C. §102 based on Michaelis should be withdrawn.

Claims 2-5, 8-14, and 41-42 depend on claim 1 and should be allowed for at least the same reason as claim 1. The dependent claims also add limitations that further distinguish over the references, providing further reasons in support of allowance.

For example, dependent claim 41 recites specific sources of the network selection criteria. Specifically, the claim recites “the plurality of sources of the network selection criteria comprise a user interface and a group policy service.” Michaelis fails to disclose or suggest these two specific sources of rules or a “group policy service” at all, which are further reasons that Michaelis does not anticipate claim 41.

The Office Action contends that Michaelis satisfies this limitation of claim 41 via FIG. 3 and a corresponding passage at column 7, line 12-21. This contention is unsupported by the reference. The cited figure and passage are directed to dynamic prioritization of interface selection rules for wireless network interfaces. Neither the figure nor the passage show network selection criteria acquired from a plurality of sources, nor do they teach or suggest network selection criteria acquired from a group policy service. Accordingly, claim 41 patentably distinguishes over Michaelis, and the rejection of claim 41 under 35 U.S.C. §102 based on Michaelis should be withdrawn.

As a second example, dependent claim 42 recites that sources of network selection criteria include a provisioning service. Michaelis fails to teach a network selection criteria acquiring from a provisioning service, which is a further reason that Michaelis does not anticipate claim 42.

The Office Action contends that Michaelis satisfies this limitation of claim 42 via a passage at column 3, line 41-45. The passage describes an access terminal selectively using wireless network interfaces to serve packets. The passage makes no mention of network selection criteria, nor does the passage teach or suggest network selection criteria be acquired

from a provisioning service. Accordingly, claim 42 patentably distinguishes over Michaelis, and the rejection of claim 42 under 35 U.S.C. §102 based on Michaelis should be withdrawn.

Claims 15, 16-19, and 21-27

Independent claim 15 is directed to a method of selecting a network and interface combination. The claim has been amended to further define the scope of Applicants' contribution.

Claim 15 recites that the network selection criteria is "acquired from a plurality of sources including at least one of a group policy service and a provisioning service." Michaelis does not teach or suggest accessing selection criteria from a plurality of sources, as claimed. Further, for reasons that should be apparent from the foregoing description of Michaelis, Michaelis does not teach or suggest accessing selection criteria from a group policy service or a provisioning service.

Accordingly, claim 15 patentably distinguishes over Michaelis, and the rejection of claim 15 under 35 U.S.C. §102 based on Michaelis should be withdrawn.

Claims 16-19, and 21-27 depend on claim 15 and should be allowed for at least the same reason as claim 15. The dependent claims also add limitations that further distinguish over the references, providing further reasons the claims should be allowed.

Claim 28, 29-32, 34-40, and 44

Independent claim 28 is directed to a computer-readable medium including computer-executable instructions for facilitating selecting a network and interface combination. The claim has been amended to further define the scope of Applicants' contribution.

Claim 28 recites "accessing network selection criteria acquired from a plurality of sources." As noted above, Michaelis does not teach or suggest accessing selection criteria from a plurality of sources, as claimed. Accordingly, claim 28 patentably distinguishes over Michaelis, and the rejection of claim 28 under 35 U.S.C. §102 based on Michaelis should be withdrawn.

Claims 29-32, 34-40, and 44 depend on claim 28 and should be allowed for at least the same reason as claim 28. The dependent claims also add limitations that further distinguish over the references, providing further reasons the claims should be allowed.

Rejections Under 35 U.S.C. §103

The remaining claims are dependent claims that are rejected based on Michaelis and at least one other reference.

Claims 3, 18, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelis et al., U.S. Patent No. 7,065,367.

Claims 9, 11, 22, 24, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelis et al., U.S. Patent No. 7,065,367 in view of Dharmadhikari et al., U.S. Published Patent Application No. 2003/0065816.

Claims 10, 23 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelis et al., U.S. Patent No. 7,065,367 in view of Davenport U.S. Published Patent Application No. 2002/0082044.

Claim 14, 27 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelis et al., U.S. Patent No. 7,065,367 in view of Castet U.S. Patent No. 4,088,840.

Each of these claims depends from an independent claim and the rejections are premised on Michaelis meeting all limitations of the independent claims. For reasons given above, Michaelis does not meet all limitations of any of the independent claims. The additional references do not teach or suggest limitations not met by Michaelis and accordingly the references, even if combined, would not teach or suggest all limitations of any of the claims. However, the dependent claims recite limitations that further distinguish Michaelis, providing additional reasons that the claims should be allowed.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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